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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 LARISA SABADASH,
12 Plaintiff,
13 v.
14 SARL BREVENT, et al.,
15 Defendants.
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Case No. 2:23-cv-06265-FLA (KSx)

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
REMANDED FOR LACK OF
SUBJECT MATTER JURISDICTION**

1 Federal courts are courts of “limited jurisdiction,” possessing only “power
2 authorized by the Constitution and statute[.]” *Kokkonen v. Guardian Life Ins. Co. of*
3 *Am.*, 511 U.S. 375, 377 (1994); U.S. Const. art. III, § 2, cl. 1. Courts are presumed to
4 lack jurisdiction unless the contrary appears affirmatively from the record. *See*
5 *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n. 3 (2006). Additionally, federal
6 courts have an obligation to examine jurisdiction sua sponte before proceeding to the
7 merits of a case. *See Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999).

8 Federal courts have jurisdiction where an action arises under federal law or
9 where each plaintiff’s citizenship is diverse from each defendant’s citizenship and the
10 amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C.
11 §§ 1331, 1332(a). Thus, a notice removing an action from state court to federal court
12 must include “a plausible allegation that the amount in controversy exceeds the
13 jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574
14 U.S. 81, 89 (2014). Where “the plaintiff contests, or the court questions, the
15 defendant’s allegation” concerning the amount in controversy, “both sides [shall]
16 submit proof,” and the court may then decide whether the defendant has proven the
17 amount in controversy “by a preponderance of the evidence.” *Id.* at 88–89. “Federal
18 jurisdiction must be rejected if there is any doubt as to the right of removal in the first
19 instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

20 The court has reviewed Defendant Jean-Francois Blet’s (“Blet”) Notice of
21 Removal and is presently unable to conclude it has subject matter jurisdiction under
22 28 U.S.C. § 1332(a). In particular, and without limitation, the court finds that the
23 allegations in the Notice of Removal do not demonstrate by a preponderance of the
24 evidence that the amount in controversy exceeds \$75,000.

25 All parties are ORDERED TO SHOW CAUSE, in writing only, within fourteen
26 (14) days from the date of this Order, why this action should not be remanded for lack
27 of subject matter jurisdiction because the amount in controversy does not exceed the
28 jurisdictional threshold. The parties are encouraged to submit evidence and/or

1 judicially noticeable facts in response to the court's Order. Responses shall be limited
2 to ten (10) pages in length. The parties should consider this Order to be a two-
3 pronged inquiry into the facial and factual sufficiency of Blet's demonstration of
4 jurisdiction. *See Leite v. Crane Co.*, 749 F.3d 1117, 1122 (9th Cir. 2014).

5 As Blet is the party asserting federal jurisdiction, Blet's failure to respond
6 timely and adequately to this Order shall result in remand of the action without further
7 notice.

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9 IT IS SO ORDERED.

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11 Dated: September 19, 2023

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14 FERNANDO L. AENLLE-ROCHA
15 United States District Judge
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